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REMARKS

The above amendments and these remarks are submitted in reply to the Office Action dated February 8, 2005.

Summary of the Examiner's Objections/Rejections

Claims 1-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Moos (U.S. Patent No. 5,881,152) in view of Kramer, et al. (U.S. Patent No. 5,414,852) and further in view of Shpuntov et al. (U.S. patent No. 5,917,928).

Summary of the Applicants amendments

The specification has been amended to correct typographical and grammatical errors present therein. Claims 1-2, 6-8, 12-14 and 18 have been amended to correct typographical and grammatical errors present therein. The aforementioned claims were not amended to specifically overcome the substantive rejections made by the Examiner in the instant Office Action.

Rejection of Claims 1-6

The Applicant traverses the rejection of the aforementioned claims for the reasons set forth in greater detail below. The present invention, as recited in Claim 1, is directed to a firmware implemented method for granting access to a protected area of a storage device, for example, a hard disk or other non-volatile memory, including the following steps:

“...once the trusted relationship has been established, allowing the calling process to retrieve a directory of service area in the protected area...” and

“...allowing access to one or more service areas in the protected area...”

which are not taught or suggested by the combination of references as cited by the Examiner. Consequently, the combination of Moos, Kramer, et al. and Shpuntov, et al. does not render the invention as defined in Claim 1 obvious.

As understood, Moos is directed to a method where encrypted data (see, for example, col. 2, lines 61-65) stored on a storage medium (col. 2, lines 65-67) may only be accessed by and transmitted to a target device that transmits an appropriate, for

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example, public key identifier (ID) (see, for example, col. 3, lines 3-5; lines 12-21; and lines 27-40). In particular, col. 2, lines 15-20 specifically outlines what must be transmitted (or provided) by the target device before encrypted data transfer is to occur. If the proper ID is not provided, "...the data storage device is not accepted by the target system..." (See, for example, col. 3, lines 21-22). There is no mention within Moos of a "...directory of service areas in the protected area..." or allowing "...access to retrieve a directory of service areas in the protected area..." The Examiner even admits this lack of teaching of Moos on page 3, paragraph 2(a)(ii) of the instant Office Action.

As understood, Kramer, et al. is directed to a system and method by which a caller (see, for example, col. 3, lines 8-13) and one or more of a selected group of data managers (see, for example, col. 3, lines 53-59) must be both authorized before access to particular data objects maintained in a memory is granted (see, for example, col. 4, lines 11-36 and col. 5, lines 25-30). Thus, before a memory item may be accessed, both the caller and the interface mechanism used to potentially access the memory item must be both authorized and called in a particular order (see, for example, col. 4, line 64 – col. 5, line 6); otherwise, access to the memory item will be denied (see, for example, col. 4, lines 23-30 and col. 5, lines 7-12). Kramer, et al. also does not appear to mention the presence or use: "...of service areas in the protected area..." as defined in Claim 1.

As understood, Shpuntov, et al. is directed to an identification verification system that prevents access to an underlying system based, for example, on the fingerprint of a user (see, for example, col. 10, lines 9-61). The fingerprint must be authorized before the user may gain access to a system. Shpuntov, et al. also does not appear to mention the presence or use: "...of service areas in the protected area..." as defined in Claim 1.

It is pointed out by the Applicant, that combining Shpuntov, et al. with Moos and Kramer, et al., and using such combination to reject Claim 1 is improper under MPEP 2143, as modifying the combined teachings of Moos and Kramer, et al. by the operation recited in Shpuntov, et al. would "...change the principal of operation of the prior art invention being modified..." As such, the submitted combination of references is improper and should be withdrawn. Both Moos and Kramer, et al., at least in part, disclose using private/public keys to perform a minimal form of user authentication and identification. They do not mention or use biometric data, for example, fingerprints to

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perform user authentication. As such modifying the identification schemes recited in Moos and Kramer, et al. by the biometric identification process of Shpuntov, et al. would change the operating principal of the combination of Moos and Kramer, et al. in violation of MPEP 2143. Consequently, the rejection of Claim 1 based on the instant combination of references is improper and should be withdrawn.

Notwithstanding the inappropriateness of the combination of references, substantively, the combination of Moos, Kramer, et al, and Shpuntov et al. does not render the claimed invention obvious as the combined teachings do not teach or suggest the use or presence of "...a directory of service areas in the protected area..." and "...allowing access to one or more service areas in the protected area..." as defined in Claim 1. Accordingly, the combined references do not render the claimed invention obvious. The combined references result in a system where access to certain information will only be granted to authorized users that request access to the information via a specified group of data managers in a particular order. If the specified order is not attempted, access will be denied. The resulting system does not require the use of or accessing one or more service areas to perform a given task as defined in Claim 1. In fact, the combined system (based on the disclosures of the references) does not require the user to access a directory of service areas at all before attempting to access or manipulate requested data. Based on the combined teachings of Moos and Kramer, et al. and the additional teachings of Shpuntov et al. once the user and the data manager accessed by the user are authorized, the user will have access to the data to which they request. Accessing a directory of service areas used to identify and access "...one or more service areas in the protected area..." is not taught, suggested or apparently a requirement of the combined system.

Thus, as the combined system does not teach or suggest retrieving "...a directory of service areas in the protected area..." in order to "...access the one or more service areas in the protected area...", then the combination of Moos, Kramer, et al. and Shpuntov et al. also does not teach or suggest:

"...processing data contained in the one or more service areas..." or

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“...closing the protected are when processing data in the one or more service areas is complete...”

as defined in Claim 1 as accessing service areas is not contemplated or required under the combined scheme. Consequently, the combination of Moos, Kramer, et al. and Shpuntov et al. does not render the invention as defined in Claim 1 obvious. Accordingly, reconsideration of the rejection of Claim 1 is respectfully requested.

Claims 2-6 directly or indirectly depend upon and include the limitations of Claim 1 and are allowable at least for the reasons set forth above with respect to Claim 1. These claims also define subject matter that is allowable over the art of record. More specifically, Claims 4-5 recite the operating steps performed for allowing access to the one or more service areas of the underlying system. As service areas are not taught or suggested by the teachings of the combined references, such functionality is not rendered obvious by those teachings. Thus, at least the invention as defined in Claims 4-5 is obvious over the art of record. Accordingly, reconsideration of the rejection of claims 1-6 is respectfully requested.

Rejection of Claims 7-12

The Applicant traverses the rejection of the aforementioned claims for the reasons set forth in greater detail below. The inappropriateness of the combination of references as discussed with respect to Claim 1, above, is equally applicable to the rejection of Claim 7 and is incorporated in its entirety herein. Notwithstanding the above, Claim 7, like Claim 1 above, includes limitations directed to:

“...allowing access to one or more service areas in the protected area...”

“...processing data contained in the one or more service areas...” and

“...closing the protected areas when the processing in the one or more service areas is complete...”

As such, Claim 7 is submitted to be allowable at least for the reasons set forth above with reference to Claim 1. Accordingly, reconsideration of the rejection of claim 7 is respectfully requested.

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Claims 3-12 directly or indirectly depend upon and include all the limitations of Claim 7 and are allowable at least for the reasons set forth above with respect to Claim 7. Moreover, these claims define subject matter that is independently allowable over the combined art of record. More specifically, Claims 9-11 are directed to the steps performed for allowing access to the one or more service areas of the underlying system. As service areas are not taught or suggested by the teachings of the combined references, such functionality is not rendered obvious by those teachings. Thus, at least the invention as defined in Claims 9-11 is obvious over the art of record. Accordingly, reconsideration of the rejection of claims 7-12 is respectfully requested.

Rejection of Claims 13-18

The Applicant traverses the rejection of the aforementioned claims for the reasons set forth in greater detail below. The inappropriateness of the combination of references as discussed with respect to Claim 1, above, is equally applicable to the rejection of Claim 13 and is incorporated in its entirety herein. Notwithstanding the above, Claim 13, like Claim 1, above, includes limitations directed to:

“...manipulating one or more service areas found in the protected area...”
and

“...closing the protected area when the processing in the one or more service areas is complete...”

As such, Claim 13 is submitted to be allowable at least for the reasons set forth above with respect to Claim 1. Accordingly, reconsideration of the rejection of Claim 13 is respectfully requested.

Claims 14-18 directly or indirectly depend upon and include all the limitations of Claim 13 and are submitted to be allowable at least for the reasons set forth above with respect to Claim 13. In addition, these claims define subject matter that is independently allowable over the art of record. More specifically, Claims 15-17 are directed to the steps performed for allowing access to the one or more service areas of the underlying system. As service areas are not taught or suggested by the teachings of the combined references, such functionality is not rendered obvious by those teachings. Thus, at least the

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invention as defined in Claims 15-17 is obvious over the art of record. Accordingly, reconsideration of the rejection of claims 13-18 is respectfully requested.

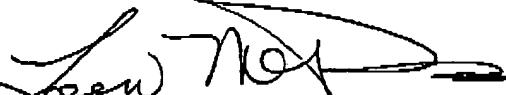
CONCLUSION

In view of the above amendments and remarks, it is respectfully submitted that Claims 1-18 are now in proper condition for allowance and such action is earnestly solicited.

The Commissioner is hereby authorized to charge any underpayments or credit any over payments to Deposit Account No. 16-1520 for any payment in connection with this communication, including any fees for extension of time, which may be required. The Examiner is invited to call the undersigned if such action might expedite the prosecution of this application.

Respectfully submitted,
PHOENIX TECHNOLOGIES LTD.

Date: 8/8/05

By 
Loren H. McRoss
Registration No. 40,427

915 Murphy Ranch Road
Milpitas, CA 95035
PH: (408) 571-1000
FX: (408) 571-1044